

ARGUMENTS/REMARKS

The claims have been amended by rewriting Claim 5 to overcome a §112 rejection and Claim 13 to correct a typographical error and by adding new Claims 21 and 22. Claims 1-22 remain in the application. Applicants have also amended the specification to correct typographical errors. No new matter was added by these amendments.

Reconsideration of this application is respectfully requested in view of the above amendments and these arguments and remarks.

Rejection - 35 U.S.C. § 112, first paragraph:

The Examiner has rejected Claims 5 and 13 under 35 U.S.C. § 112. Specifically, the Examiner states that Claim 5 recites the limitation "the reverse path" in page 17, and there is insufficient antecedent basis for this limitation in the claim. The Examiner further states that Claim 13 recites the limitation "the steps" in page 19, and there is insufficient antecedent basis for this limitation in the claim.

Regarding Claim 5, Applicants have amended this claim to refer to "a reverse path" thereby rendering moot the §112 rejection of this claim. Regarding Claim 13, Applicants submit that the language "the steps" used in the preamble of this claim is accepted language for signaling the start of the steps of a method or process claim such as Claim 13 and that use of this terminology does not render Claim 13 indefinite (see MPEP §2173.05(e)). Applicants, therefore, request that the Examiner remove the §112 rejection of Claim 13.

Claim Rejections - 35 U.S.C. § 102(b):

The Examiner has rejected Claims 1-20 under 35 U.S.C. § 102(b) as being clearly anticipated by USPN 5,574,992 (Cygan). Applicants traverse these rejections. To anticipate a claim, a reference must teach each element of the claim. M.P.E.P. 2131. Applicants submit that Cygan does not anticipate Claims 1-20 as it fails to teach each limitation recited in Claims 1, 13, 18 and 20 and included by dependency in Claims 2-12, 14-17 and 19.

Applicants submit that the Cygan patent fails to anticipate Claims 1, 20 and 21 because it fails to teach or suggest the limitation in each of these claims of "at least one adjustable zero element." The Examiner cites to col.2, line 4 through col. 3, line 2 of Cygan as teaching this limitation. Applicants disagree. Nowhere in this cited language is there a discussion of apparatus used to adjust the location of a zero, such as is claimed in Claims 1, 20 and 21. In fact, there is no discussion of zeros at all in this language or in any other language in this patent. Moreover, the language that the Examiner cites describes every element in FIG. 1, which illustrates a block diagram of a linear transmitter. Applicants are unsure of exactly which element in this linear transmitter the Examiner believes is the "at least one adjustable zero element" recited in Claims 1, 20 and 21. Therefore, Applicants submit that the Examiner has failed to overcome the burden of showing that the Cygan patent anticipates Claims 1, 20 and 21 by teaching each element of these claims.

Accordingly, Applicants submit that Claims 1, 20 and 21 are in a condition for allowance. Claims 2-12, which depend from Claim 1, are likewise in a condition for allowance for all of the same reasons above with respect to Claim 1.

Applicants further submit that the Cygan patent fails to anticipate Claims 18, 20 and 21 because it fails to teach or suggest the limitation in each of these claims of "at least one adjustable pole element." The Examiner cites to col.2, line 4 through col. 3, line 2 and col. 3, line 66 through col. 4, line 28 of Cygan as teaching this limitation. Applicants disagree. Nowhere in this cited language is there a discussion of apparatus used to adjust the location of a pole, such as is claimed in Claims 18, 20 and 21. In fact, there is no discussion of poles at all in this language or in any other language in this patent. As mentioned above, col.2, line 4 through col. 3, line 2 describes every element in FIG. 1, which illustrates a block diagram of a linear transmitter. Col. 3, line 66 through col. 4 describes two embodiments of the loading circuit of the linear transmitter, which is clearly not "at least one adjustable pole element," and describes a training sequence, which is also clearly not "at least one adjustable pole element" as is recited in Claims 18, 20 and 21.

Accordingly, Applicants submit that Claims 18, 20 and 21 are in a condition for allowance. Claim 19, which depends from Claim 18, is likewise in a condition for allowance for all of the same reasons above with respect to Claim 18.

Finally, Applicants submit that the Cygan patent does not anticipate Claims 13 and 22 because it fails to teach or suggest the limitation in these two claims of "moving a pole in the loop frequency response yielding a change in the closed loop frequency response." The Examiner cites to col. 1, lines 14-50 and col.2, line 4 through col. 3, line 2 of Cygan as teaching this limitation. Applicants disagree. Nowhere in this language is there a discussion of "moving a pole in the loop frequency response yielding a change in the closed loop frequency response" as recited in Claims 13 and 22. In fact, there is no discussion of poles at all in this language or in any other language in this patent.

Accordingly, Applicants submit that Claims 13 and 22 are in a condition for allowance. Claims 14-17, which depends from Claim 13, are likewise in a condition for allowance for all of the same reasons above with respect to Claim 13.

Claim Rejections - 35 U.S.C. § 103:

The Examiner has rejected Claim 12 under 35 U.S.C. § 103(a) as being unpatentable over USPN 5,574,992 (Cygan) as applied to claim 1 above, and further in view of USPN 5,467,055 (Wray). Applicants traverse this rejection. To establish a *prima facie* case of obviousness under 35 U.S.C. §103 based upon the combined teaching of two or more references, three criteria must be met. First there must be some suggestion or motivation to combine the reference teachings. Second there must be a reasonable expectation of success, and finally, the references when combined must teach or suggest all of the claim limitations. See M.P.E.P. §2143. Applicants respectfully submit that the combined teachings of Cygan and Wray do not render pending Claim 12 obvious because the combined teachings fail to teach or suggest all of the claim limitations.

Specifically, as argued above Applicants submit that Cygan fails to teach or suggest the limitation included by dependency in Claim 12 of "at least one adjustable zero element." Wray also fails to teach this limitation. Therefore, Applicants submit that Cygan and Wray combined fail to render Claim 12 obvious and that this claim is accordingly in a condition for allowance.

In addition, those limitations in pending Claims 1-22 that were not specifically addressed by the Applicants in this reply are not conceded to be taught or suggested in any of the references cited by the Examiner, and Applicants reserve the right to further argue that these limitations are not so taught or suggested.

The Applicants note the art cited, but not relied upon by the Examiner.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

Please charge any fees associated herewith, including extension of time fees, to Deposit Account No. 502117, Motorola, Inc.

Respectfully submitted,

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